

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
MARYLAND**

UNITED STATES	:	
	:	
v.	:	No. 22-CR-125
	:	
RODNEY GAINES	:	
	:	

**MOTION FOR FARETTA HEARING AND CONTINUANCE**

Defendant Rodney Gaines hereby moves the Court to schedule a *Faretta* hearing and for a continuance of his trial date. In support of this request Mr. Gaines asserts as follows:

1. Mr. Gaines has announced a desire to represent himself at trial which he has a constitutional right to do under *Faretta v. United States*, 422 U.S. 806 (1975).
2. Mr. Gaines request the Court to schedule a *Faretta* hearing to make the proper inquiries required by law before permitting him to proceed pro se. Undersigned counsel is willing and available to stay on and stand by counsel.
3. Mr. Gaines also requests a continuance of the trial date for the following reasons:
  - a. Around July 15 undersigned counsel identified a gap the sequence of discovery letters. After inquiring with the government it appeared that one discovery production had been mistakenly sent to Mr. Gaines' prior

attorney in December 2023. The government produced the materials on July 22, 2024. The material contained exculpatory information about the alleged murder. Mr. Gaines requires more time to review these materials.

- b. Extensive Jencks materials on over 20 witnesses were authorized for disclosure to the clients on August 19 which will be difficult to review and analyze by September 3 along with everything else necessary to prepare for trial.
  - c. The government made supplemental disclosures of various kinds on August 1, August 2, August 8, August 9, August 14, August 19, August 20 and August 21.
  - d. Mr. Gaines needs time to prepare to represent himself.
4. In light of pleas, the severance of one defendant, and the government's revised estimate, a continuance of the trial would not present the same level of scheduling difficulties as it would have a few weeks ago.

For the foregoing reasons, Mr. Gaines requests the Court to schedule a *Faretta* hearing to allow him to proceed pro se and to grant him a brief continuance of his trial date.

Respectfully submitted,

By: /s/ Charles Burnham  
Charles Burnham, Esq.

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## **CERTIFICATE OF SERVICE**

I certify that I have served this document through ecf.

Respectfully submitted,

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